

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,

Plaintiff,

v.

SAREPTA THERAPEUTICS, INC.,

Defendant.

C.A. No. 21-1015 (JLH)

REDACTED - PUBLIC VERSION

SAREPTA THERAPEUTICS, INC. and THE  
UNIVERSITY OF WESTERN AUSTRALIA,

Defendant/Counter-Plaintiffs,

v.

NIPPON SHINYAKU CO., LTD.  
and NS PHARMA, INC.

Plaintiff/Counter-Defendants.

**DECLARATION OF MEGAN E. DELLINGER IN SUPPORT OF SAREPTA  
THERAPEUTICS, INC. AND THE UNIVERSITY OF WESTERN AUSTRALIA'S  
MOTIONS TO EXCLUDE CERTAIN OPINIONS AND TESTIMONY OF  
PLAINTIFF/COUNTER-DEFENDANTS' EXPERTS**

I, Megan E. Dellinger, hereby declare as follows:

1. I am an attorney with the law firm of Morris, Nichols, Arsht & Tunnell LLP and counsel of record for Defendant/Counter-Plaintiffs Sarepta Therapeutics, Inc. ("Sarepta") and The University of Western Australia ("UWA") in the above-referenced matter adverse to Nippon Shinyaku Co., Ltd. and NS Pharma, Inc. (collectively, "NS").

2. Attached as Exhibit 1 is a true and accurate copy of excerpts of the Declaration of Matthew J.A. Wood, filed in Patent Interference Nos. 106,007, 106,008, and 106,113, dated November 18, 2014.

3. Attached as Exhibit 2 is a true and accurate copy of Summerton & Weller, *Morpholino Antisense Oligomers: Design, Preparation, and Properties*, 7 ANTISENSE & NUCLEIC ACID DRUG DEVELOPMENT 187-95 (1997).

4. Attached as Exhibit 3 is a true and accurate copy of excerpts of the deposition transcript of Michelle L. Hastings, Ph.D., dated September 13, 2024.

5. Attached as Exhibit 4 is a true and accurate copy of excerpts of the Supplemental Expert Report of Dr. Michelle L. Hastings, dated on July 3, 2024.

6. Attached as Exhibit 5 is a true and accurate copy of excerpts of the deposition transcript of Dr. Matthew J.A. Wood, dated September 19, 2024.

7. Attached as Exhibit 6 is a true and accurate copy of excerpts of the Supplemental Reply Expert Report of Dr. Matthew J.A. Wood, dated September 4, 2024.

8. Attached as Exhibit 7 is a true and accurate copy of excerpts of the Supplemental Expert Report of Dr. Matthew J.A. Wood.

9. Attached as Exhibit 8 is a true and accurate copy of U.S. Patent No. 6,784,291.

10. Attached as Exhibit 9 is a true and accurate copy of U.S. Patent No. 9,994,851.

11. Attached as Exhibit 10 is a true and accurate copy of excerpts of the file history for U.S. Patent. No. 9,024,007.

12. Attached as Exhibit 11 is a true and accurate copy of Aartsma-Rus et al., *Comparative analysis of antisense oligonucleotide analogs for targeted DMD exon 46 skipping in muscle cells*, 11 GENE THERAPY 1391-98 (2004).

13. Attached as Exhibit 12 is a true and accurate copy of excerpts of the Supplemental Rebuttal Expert Report of Steven F. Dowdy, Ph.D., dated August 14, 2024.

14. Attached as Exhibit 13 is a true and accurate copy of Heasman, *Morpholino Oligos: Making Sense of Antisense?*, 243 DEVELOPMENTAL BIOLOGY 209-214 (2002).

15. Attached as Exhibit 14 is a true and accurate copy of Gebski, et al., *Morpholino antisense oligonucleotide induced dystrophin exon 23 skipping in mdx mouse muscle*, 12 HUMAN MOLECULAR GENETICS 1801-1811 (2003).

16. Attached as Exhibit 15 is a true and accurate copy of excerpts of the file history for U.S. Patent. No. 9,994,851.

17. Attached as Exhibit 16 is a true and accurate copy of excerpts of the Expert Report of Dr. Matthew J.A. Wood, dated September 8, 2023.

18. Attached as Exhibit 17 is a true and accurate copy of excerpts of the Supplemental Reply Expert Report of Dr. Michelle L. Hastings, dated September 4, 2024.

19. Attached as Exhibit 18 is a true and accurate copy of excerpts of the Expert Reply Report of Dr. Matthew J.A. Wood, dated October 27, 2023.

20. Attached as Exhibit 19 is a true and accurate copy of excerpts of the Expert Rebuttal Report of Dr. Matthew J.A. Wood, dated October 11, 2023.

Executed this 2nd day of October, 2024 in Wilmington, DE.

/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)

**CERTIFICATE OF SERVICE**

I hereby certify that on October 2, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on October 2, 2024, upon the following in the manner indicated:

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*/s/ Megan E. Dellinger*

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